

## DEFINITIONS OF KEY TERMS AND CONCEPTS

In addition to the terms defined specifically for this Maricopa Sun, LLC Habitat Conservation Plan (MSHCP), additional definitions of key terms and concepts were assembled from the following sources: Federal Endangered Species Act (FESA), 50 CFR Part 402 (Interagency Cooperation regulations), United States Fish and Wildlife Service (USFWS) 1996 Habitat Conservation Planning and Incidental Take Permit Processing Handbook, and the USFWS 1998 Endangered Species Consultation Handbook.

***Access Road:*** road that connects .the solar facility to the public access road.

***Biological Assessment (BA):*** information prepared by a qualified biologist to determine whether a proposed action is likely to: (1) adversely affect listed species or designated critical habitat; (2) jeopardize the continued existence of species that are proposed for listing; or (3) adversely modify proposed critical habitat. A BA is a specific document required under Section 7 of the FESA when project actions have the potential to result in a “may affect” determination.

***Biological goals:*** guiding principles that are typically qualitative rather than quantitative, and are formulated to achieve the biological conservation needs of the covered species and natural communities. The goals describe the vision for the covered species and natural communities to be achieved through implementation of a successful conservation program.

***Biological objectives:*** quantitative or measurable targets that will be sought to achieve the biological goal(s).

***California Endangered Species Act (CESA):*** California state law that requires all species threatened with extinction and those experiencing a significant decline be protected or preserved. CESA is administered by the California Department of Fish & Wildlife.

***California Natural Diversity Database (CNDDDB):*** a program that inventories the status and locations of rare plants and animals in California. CNDDDB staff work with partners to maintain current lists of rare species as well as maintain an ever-growing database of GIS-mapped locations for these species.

***Changed Circumstances:*** changes in circumstances affecting a species or geographic area covered by an HCP that can reasonably be anticipated and planned for by plan developers and the USFWS (50 C.F.R. § 17.3).

***Compliance Monitoring:*** monitoring that verifies that the Project Administrator and Developers are carrying out the terms of the MSHCP (65 FR 35241–35257).

***Conservation Sites:*** lands owned by affiliates of the Project Administrator and identified in special studies and during environmental review of the Project as having value as habitat for listed species or providing buffers for habitat conservation on which conservation easements will be recorded to remove the potential for future development.

**Covered Activities:** activities identified in the MSHCP as necessary for the construction, operations and maintenance, decommissioning, and conservation program for the solar Project and for which the Project Administrator is seeking incidental take coverage pursuant to Section 10(a)(1)(B) of the FESA.

**Critical habitat:** an area designated by the USFWS or by the National Marine Fisheries Service (NMFS) pursuant to the FESA as habitat critical to the survival of a threatened or endangered species. Critical habitat areas are specific geographic areas that may or may not be occupied by listed species, that are determined to be essential for the conservation and management of listed species, and that have been formally described and designated in the Federal Register.

**Conservation Sites:** Conservation Sites are those lands identified in special studies and during environmental review of the Project as having value as habitat for Covered Species. Conservation easements will be recorded on these lands, which total 1,894.4 acres, to permanently protect the lands for the benefit of Covered Species. These parcels will remain in their native state, or if previously disked, will be enhanced to benefit species as described in detail in Section 5.3. These lands will be conserved and managed in perpetuity as mitigation for the Project's impacts to species.

**Covered Lands:** lands covered by this MSHCP including Solar Sites, Movement Corridors, Conservation Sites, and an emergent wetland.

**Covered Species:** species identified in the MSHCP as meeting certain species selection criteria for requesting incidental take coverage and for which conservation actions will be implemented under this MSHCP.

**Developer:** any independent contractor or their subcontractors that will be constructing and operating individual solar facilities.

**Direct Effects:** a direct result of an action that occurs at the same time and place (USFWS 1996).

**Drilling areas:** areas that will be designated for future drilling operations. These areas will be reserved to allow access to owners of mineral interests for purposes of exploration and /or production of underlying oil or other mineral resources.

**Ecosystem:** a dynamic and interrelating complex of plant and animal communities and their associated nonliving (e.g., physical and chemical) environment.

**Effects Monitoring:** evaluates the actual effects of construction and O&M Covered Activities on Covered Species and designated critical habitat to verify that effects do not exceed estimates provided in Chapter 4, "Adverse Effects on Covered Species".

**Effectiveness Monitoring:** evaluates if the operating conservation program of the MSHCP is consistent with the assumptions and predictions made when the MSHCP was developed and approved (65 FR 35241–35257); if the biological goals are being met; and if the conservation

strategy is being properly implemented. Tier 1 and Tier 2 studies are implemented under the effectiveness monitoring requirement.

***Emergent wetland:*** a freshwater wetland characterized by erect, rooted, herbaceous hydrophilic plants, excluding mosses and lichens. An emergent wetland consisting of 2.55 acres has been delineated in the northwest corner of Solar Site 2-S.

***Endangered species:*** as defined in the U.S. Government Code and California Fish and Game Code (16 U.S. Government Code 1532[6] and California Fish and Game Code Section 2062), a native species, subspecies, variety of organism, or distinct population segment that is in serious danger of becoming extinct throughout all or a significant portion of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

***Environmentally Sensitive Areas (ESAs):*** locations where Covered Species or other biological resources have been identified that require some measure of active protection during the implementation of a project. Buffers are established to isolate the ESA from Covered Activities according to the resource in question.

***Existing Public Easements:*** Existing Public Easements include lands within established public right-of-ways occurring along the Project boundary. Existing Public Easements include public roadways, transmission line corridors, and a railroad line. Fifty-foot setbacks are established between all Existing Public Easements and the Project boundary. The total acreage of all Existing Public Easements is 91.8 acres. Some impacts will be assessed within Existing Public Easements as described below (Section 2.3) and in Chapter 4.

***Federal Endangered Species Act (FESA):*** the Federal Endangered Species Act of 1973, as amended, provides legal protections to federally threatened and endangered species. The law is administered by the USFWS and the NMFS.

***Habitat:*** the location where a particular taxon of plant or animal lives and its surroundings (both living and nonliving), and includes the presence of a group of particular environmental conditions surrounding an organism including air, water, soil, mineral elements, moisture, temperature, and topography.

***Habitat Conservation Plan (HCP):*** under Section 10 of the FESA, a planning document that is a mandatory component of an incidental take permit application, also known as a “Conservation Plan.”

***Habitat Enhancement Area:*** lands identified in special studies and during environmental review of the Project as having value as habitat for listed species. These lands will be protected for the life of the project; however, a conservation easement will not be recorded on these properties.

***Harm:*** an act that kills or injures a listed species through impairing essential behavior such as breeding, feeding, or sheltering. Such an act may include significant habitat modification or

degradation that results in injury of or death to listed species. Harm is one component of the legal definition of “take” under the FESA.

**Harass:** an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering [50 CFR §17.3].

**Hydric soil:** a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

**Hydrophytic vegetation:** plantlife that thrives in wet conditions; an important indicator in wetland delineation.

**Implementing Agreement:** an agreement between the applicant and the USFWS to implement and enforce an HCP.

**Incidental take:** “take” of listed species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by a federal agency or applicant. (Also, see “Take,” below).

**Incidental take permit:** a permit that exempts a permittee from the take prohibition of section 9 of the FESA issued by the USFWS or NMFS pursuant to section 10(a)(1)(B) of the FESA.

**Indirect Effects:** those effects that are caused by the proposed action (in this case, issuance of the incidental take permit and the Covered Activities) and are later in time, but are still reasonably certain to occur [50 CFR §402.02].

**Land retirement:** as used in this document, refers to the recordation of conservation easements that remove the potential for development from said land.

**Listed species:** any species, including subspecies and distinct vertebrate populations, of fish, wildlife or plant that has been determined to be endangered or threatened under section 4 of the FESA.

**Managed grazing:** grazing conducted on a periodic basis under the guidance of a qualified biologist for the purpose of weed control. Monitoring of covered species is conducted both prior to and after managed grazing to evaluate its effectiveness.

**Maricopa Sun, LLC:** Project Administrator. (Also see “Permittee,” below)

**Mitigation:** to avoid or minimize impacts of an action by limiting the degree or magnitude of the action; to rectify the impact by repairing, rehabilitating, or restoring the affected environment; to reduce or eliminate the impact by preservation and maintenance operations during the life of the action.

**Monitoring Biologist:** USFWS/CDWF-approved third-party entity that will be retained by Project Administrator (at the expense of the Developer) to provide biological monitoring required under the MSHCP, including compliance monitoring, effects monitoring, and effectiveness monitoring.

**Movement Corridors:** Movement Corridors are areas of land that were identified as being necessary for the movement of species between areas of natural habitat and to promote colonization within the region. These corridors of land will not be developed, will be managed to aid in the movement of species, and will be interspersed with developed parcels. Conservation easements on Solar Sites will be included with the associated Movement Corridor, but Movement Corridors will be managed for Covered Species immediately upon establishing the conservation easement. The total acreage of the Movement Corridors is 33.8 acres. These corridors are located along specified perimeters of the Solar Sites, but are not within the Solar Development Footprints (Figure 2-1). These corridors will be enhanced by installation of dens, perching posts, and changes in topographic relief to facilitate the movement of species and to provide connections between natural habitat patches. Movement Corridors and their role in the overall conservation strategy, including construction details such as their widths, fencing, enhancement and maintenance, and content are discussed in further detail in the Conservation Plan (Chapter 5).

**Occupied Habitat:** habitat known to be used by Covered Species based on direct confirmation during reconnaissance surveys conducted prior to initiation of the Project.

**Operating conservation program:** the conservation management activities or mitigation measures expressly agreed to in the MSHCP.

**Permit Area:** the area covered by the Section 10(a)(1)(B) Incidental Take Permit for the Maricopa Sun Solar Complex, a total of 5,784.3 acres, which are designated as (1) Solar Sites which consist of 3,798.3 acres (Solar Development Footprints, mandatory setbacks, and Movement Corridors); and (2) Conservation Sites, which encompass 1,894.4 acres.

**Permittee:** Party or parties designated in the Section 10(a)(1)(B) Incidental Take Permit /Implementing Agreement in consultation with the USFWS. The Project Administrator, Maricopa Sun, LLC, will be the sole permittee on the Section 10(a)(1)(B) Incidental Take Permit.

**Property owner:** person(s)/entity or entities identified on the most recent Kern County tax roles as being responsible for payment of property taxes on subject property.

**Qualified Biological Monitor:** An individual determined by the lead agency(ies) to be qualified to perform specified biological monitoring/survey tasks. Minimum qualifications include possession of a Bachelor of Science Degree or Bachelor of Arts Degree in biology or related environmental science, having a demonstrated familiarity with the natural history, habitat affinities, and identification of the Covered Species, and demonstrated familiarity with the MSHCP and other laws and regulations governing the take of Covered Species.

**Range:** the geographic area a species is known or believed to occupy.

**Restoration:** natural revegetation or seeding of areas anticipated to support native wildlife species, including special-status species. Natural revegetation has been shown to be effective on the Project site and it is not anticipated that additional restoration efforts would be necessary. However, effective monitoring of site conditions in conjunction with the adaptive management strategy may dictate that some active restoration in specific instances may be needed at some future time. Accordingly, seeding may be needed to re-establish a semblance of native habitat. Natural vegetation could include a variety of native species including alkali seepweed (*Sueada* sp), saltbush (*Atriplex* sp.), cheeseweed (*Isocoma acradenia*), and various native and non-native annuals.

**Section 7:** the section of the FESA outlining procedures for interagency cooperation to conserve federally listed species and designated critical habitats. Section 7(a)(1) requires Federal agencies to use their authorities to further the conservation of listed species. Section 7(a)(2) requires Federal agencies to consult with the USFWS and NMFS to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species, or destroy or adversely modify designated critical habitat. Other paragraphs of this section establish the requirement to conduct conferences on proposed species; allow applicants to initiate early consultation; require USFWS and NMFS to prepare biological opinions and issue incidental take statements. Section 7 also establishes procedures for seeking exemptions from the requirements of section 7(a)(2) from the Endangered Species Committee.

**Section 7 consultation:** the various Section 7 processes, including both consultation and conference, if proposed species are involved.

**Section 9:** the section of the FESA of 1973, as amended, that prohibits the taking of endangered species of fish and wildlife. Additional prohibitions include: (1) import or export of endangered species or products made from endangered species; (2) interstate or foreign commerce in listed species or their products; and (3) possession of unlawfully taken endangered species.

**Section 10(a)(1)(B):** that portion of section 10 of the FESA that allows for permits for incidental taking of threatened or endangered species.

**Sensitive species:** species not yet officially listed but undergoing status review for listing on the USFWS's official threatened and endangered list; species whose populations are small and widely dispersed or restricted to a few localities; and species whose numbers are declining so rapidly that official listing may be necessary.

**Solar field owner:** person(s)/entity or entities claiming an ownership interest in equipment, facilities and infrastructure involved in solar generation activities on Solar Sites. (Also see "Developer," above)

**Solar Development Footprints:** The Solar Development Footprints are those specific portions of the Solar Sites on which solar facilities will be installed. The acreage of the Solar Development

Footprints is equal to the Solar Sites minus Movement Corridors and mandatory setbacks (Table 2-1). The total acreage of the Solar Development Footprints is 3,700.5 acres.

**Solar Sites:** The Solar Sites are lands within the Permit Area on which solar facilities will be built and include the Movement Corridors. Acreages of Existing Public Easements occurring on each parcel have been subtracted from the acreages of the Solar Sites (Table 2-1). The Solar Sites encompass 3,798.3 acres. The Solar Sites will be placed into permanent conservation easements concurrently with the acquisition of grading or building permits (whichever is obtained first) for each Solar Site, and will be managed in perpetuity for the benefit of Covered Species once the Solar Site has been decommissioned.

**Special-status species:** special-status plant and animal species include those listed as threatened or endangered under the FESA or the CESA, species proposed for listing, species of special concern, and other species identified either by the USFWS, U.S. Forest Service (USFS), CDFW, California Native Plant Society (CNPS), or the Native Plant Protection Act (NPPA) as unique or rare, and that have the potential to occur within the Project area.

**Species:** includes any subspecies of fish, wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature.

**Species of Concern/Species of Special Concern:** an informal term that refers to those species that may be in need of concentrated conservation actions. Such conservation actions vary depending on the health of the populations and degree and types of threats. At one extreme, there may only need to be periodic monitoring of populations and threats to the species and its habitat. At the other extreme, a species may need to be listed as a Federal threatened or endangered species. Species of concern receive no legal protection and the use of the term does not necessarily mean that the species will eventually be proposed for listing as a threatened or endangered species.

**Take:** to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any listed species, or attempt to engage in any such conduct. Harm is further defined by USFWS to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined by USFWS as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns, which include, but are not limited to, breeding, feeding or sheltering.

**Threatened species:** native species, subspecies, variety, or distinct population segment of an organism that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future throughout all of a significant portion of its range.

**Total Conservation Land:** The Total Conservation Land is the sum of all acreages of Solar Sites (which includes Movement Corridors) and Conservation Sites that will be permanently conserved as mitigation for project impacts to species. These lands will be placed into conservation easements and managed in perpetuity for the benefit of Covered Species. The management of conservation easements for the benefit of Covered Species on solar development

lands will take effect once the solar facilities are decommissioned (Table 2-1). All other conservation lands will be managed for the benefit of Covered Species immediately upon recordation of the conservation easements on those lands.

***Transmission Lines:*** higher voltage electrical lines used to convey electricity from the generating source to a substation.

***Unforeseen Circumstances:*** changes in circumstances affecting a species or geographic area covered by an HCP that could not reasonably have been anticipated by plan developers and USFWS at the time of the plan's negotiation and development, and that result in a substantial and adverse change in status of the Covered Species (50 C.F.R. § 17.3).